

MR2893-2  
Serial Number: 09/832,810  
Responsive to Office Action dated 29 July 2004

### REMARKS

This case has been carefully reviewed and analyzed in view of the Office Action dated 29 July 2004. Responsive to the Office Action, Claims 13 and 19 are now cancelled from this case, Claims 1, 9 – 10, and 14 – 16 are amended, and Claims 21 – 22 are newly-inserted for further prosecution with the other pending claims. With such amendment of claims, it is believed that there is a further clarification of their recitations.

In the Office Action, the Examiner objected to Claim 16 for containing a typographical error. Accordingly, Claim 16 is amended to remove this informality, among other things.

Also in the Office Action, the Examiner rejected Claims 1 – 3, 5, 6, and 16 – 18 under 35 U.S.C. § 103(a) as being unpatentable over the Kanevsky et al. reference in view of the Robinson reference. In setting forth this rejection, the Examiner acknowledged that Kanevsky et al. fails to expressly disclose any image capture devices being adjustably disposed on a main support assembly. The Examiner, however, cited Robinson for disclosing this feature and concluded that it would have been obvious to one of ordinary skill in the art to have incorporated the adjustable support of image capture devices in Kanevsky et al.'s system.

The Examiner also rejected Claims 4 and 10 – 12 under 35 U.S.C. § 103(a) as being unpatentable over Kanevsky et al. in view of Robinson, further in view of the Johnson reference. In this regard, the Examiner acknowledged that Kanevsky

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et al. fails to disclose any lighting assembly actuatable in synchronized manner with the image capture devices, but cited Johnson for disclosing "a camera system for recording a plurality of images on a photographic sheet" including a lighting assembly actuatable in this manner. The Examiner again reasoned that it would have been obvious to one of ordinary skill in the art to have incorporated such lighting assembly into the Kanevsky et al. system.

The Examiner further rejected Claims 7 – 9 and 19 – 20 also under 35 U.S.C. § 103(a) as being unpatentable over Kanevsky et al. in view of Robinson, and further in view of the Hoppenstein reference. In this regard, the Examiner acknowledged that Kanevsky fails to disclose at least three image capture devices each including a photo-capture portion, which are disposed in spaced manner one relative to the others, but cited Hoppenstein for disclosing such features. The Examiner once again concluded that it would have been obvious to one of ordinary skill in the art to have incorporated the features into Kanevsky et al.'s system.

The Examiner additionally rejected Claims 13 – 15 under 35 U.S.C. § 103(a) as being unpatentable over Kanevsky et al. in view of Robinson, Johnson, and Hoppenstein.

Applicant's system for capturing identification data pertaining to a subject is one which enables the quick and convenient, yet sufficiently accurate and comprehensive, capture of a subject's identification data in a manner heretofore

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unseen in mug shot capturing or other such systems known in the art. As newly-amended independent Claims 1, 10, and 16 each now more clearly recite, Applicant's system includes among its combination of features a plurality of image capture devices adjustably disposed "in spaced manner one from the other" for "concurrently" capturing respective graphic representations of the subject from different view orientations. The system also includes at least one auxiliary data capture device for capturing in addition a predetermined biometric parameter pertaining to the subject, as well as a programmably configured workstation and/or controller "operable to formulate for display at least one fixedly combined record containing said plurality of concurrently captured graphic representations arranged adjacent" the one or more "predetermined biometric parameter[] captured therewith," as each newly-amended independent Claim 1, 10, and 16 now more clearly recite. Such "fixedly combined record" containing the comprehensive arrangement of captured identification information may then be stored, printed out, or shared between different users and/or agencies for expeditious use in accordance with the given application.

The full combination of these and other features now more clearly recited by Applicant's pending claims is nowhere disclosed by the cited references. Note, for instance, that while the Examiner cited Kanevsky et al. for disclosing a number of Applicant's claimed elements, the reference actually prescribes a way of 'password-protecting' against unauthorized access to a given computer

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workstation. Rather than relying upon an alphanumeric password keyed in by the user, Kanevsky et al.'s system performs video monitoring of a user at the protected workstation to check for a particular sequence of bodily gestures/motions matching a pre-recorded sequence of such gestures/bodily movements. Access is granted only where a match is found between the gesture/bodily movement sequences.

As the Examiner points out, Kanevsky et al. discloses the availability of other user-provided information and directly-sensed information to supplement the gesture/bodily movement sequence-based check; however, the overriding purpose is to quickly provide a reliable decision on whether or not to grant access to the given user at a particular workstation. Thus, Kanevsky neither discloses nor even suggests the workstation to be "operable to formulate for display at least one fixedly combined record containing ... [a] plurality of concurrently captured graphic representations" of the user "arranged adjacent ... [a] predetermined biometric parameter" of the user "captured therewith," as each of Applicant's newly-amended Claims independent 1, 10 and 16 now more clearly recites. To the contrary, the very purpose of Kanevsky et al. is to altogether block the use of that workstation until and unless its "behavioral password" access-control check is satisfied by the user's gestures/bodily movements. Naturally, the video sequence of the user's movements captured in carrying out this check are processed in a dynamic manner, hidden from the user - such as security control measures

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typically are. Kanevsky et al.'s focus on the changes occurring across a series of time-sequenced images (inherent to its video monitoring and comparing) largely obviates the need for "a plurality of image capture devices" being "adjustably" disposed "in spaced manner one from the other," as the newly-amended independent claims also now more clearly recite.

Given such deficient, and even contrary, teachings of the primarily-cited Kanevsky et al. reference, the secondarily cited references are found to be quite ineffectual to the present patentability analysis. Note in this regard that while Johnson was cited by the Examiner for disclosing a camera system for recording a "plurality of images" which includes the claimed lighting assembly actuable to illuminate the subject in synchronized manner therewith, Johnson actually discloses nothing more of relevance than a typical camera flash. Johnson's camera system is essentially a single-exposure camera with a flash. While Johnson does disclose on its photographic material 24 the combined imaging of different image portions, this is effected simply by providing a patterned filter-like data card overlay 32 on the hinged front door 30 through which light from the subject passes into the camera body. There is no plurality of such camera or other image capture devices employed here.

The Robinson and Hoppenstein references were cited by the Examiner for their stereoscopic camera, or multi-dimensional imaging, mechanisms. Each reference seeks thereby to generate a holograph-like composite image having a

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three dimensional visual effect – that is, “a picture creating an illusion of depth,” (Hoppenstein at column 4; line 61). Nowhere does either reference disclose such other features of Applicant’s system as “at least one auxiliary data capture device for capturing a predetermined biometric parameter pertaining to the subject,” or the formulation for display of “at least one fixedly combined record” in which “a plurality of concurrently captured graphic representations [are] arranged adjacent said predetermined biometric parameter captured therewith,” as newly-amended independent Claims 1, 10, and 16 each now more clearly recite.

It is respectfully submitted therefore, that the cited Kanevsky et al., Johnson, Robinson, and Hoppenstein references, even when considered together, fail to disclose the unique combination of elements now more clearly recited by Applicant’s pending claims for the purposes and objectives disclosed in the subject Patent Application. The other references cited by the Examiner but not used in the rejection are found to be even further remote from Applicant’s claimed system when patentability considerations are taken into account.

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It is now believed that the subject Patent Application has been placed in condition for allowance, and such action is respectfully requested.

Respectfully submitted,  
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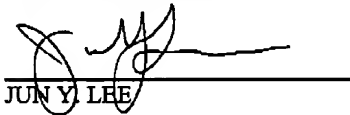
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FOR: ROSENBERG, KLEIN &amp; LEE

  
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